

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL PAUL WEINAPPLE,
Plaintiff,
v.
ROB BONTA, *et al.*,
Defendants.

Case No. 2:24-cv-1769-DAD-JDP (PS)

FINDINGS AND RECOMMENDATIONS

On December 16, 2024, I recommended that defendants' motion to dismiss be granted and plaintiff's complaint be dismissed with leave to amend. ECF No. 15. On February 19, 2025, the court adopted the findings and recommendations, dismissed the complaint for failure to state a claim, and granted plaintiff thirty days to file a first amended complaint. ECF No. 21. Plaintiff failed to timely file an amended complaint. Accordingly, on March 26, 2025, I ordered him to show cause within fourteen days why this action should not be dismissed. ECF No. 23. I notified him that if he wished to continue with this lawsuit, he must file an amended complaint. I also warned plaintiff that failure to comply with the March 26, 2025 order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not filed an amended complaint or otherwise responded to the March 26, 2025 order.

1 Accordingly, it is hereby RECOMMENDED that:

2 1. This action be dismissed for failure to state a claim for the reasons set forth in the
3 December 16, 2024 findings and recommendations.
4 2. The Clerk of Court be directed to close the case.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
7 service of these findings and recommendations, any party may file written objections with the
8 court and serve a copy on all parties. Any such document should be captioned “Objections to
9 Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed
10 within fourteen days of service of the objections. The parties are advised that failure to file
11 objections within the specified time may waive the right to appeal the District Court’s order. *See*
12 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
13 1991).

14
15 IT IS SO ORDERED.

16 Dated: April 22, 2025


17 JEREMY D. PETERSON
18 UNITED STATES MAGISTRATE JUDGE

19
20
21
22
23
24
25
26
27
28